

Serial No. 10/088,218
Attorney Docket No. 10191/2211
Reply to Office Action of February 5, 2007

AMENDMENTS TO THE DRAWINGS:

The attached Replacement Sheets include replacements for Figures 1-3. These sheets replace the original sheets containing Figures 1-3.

Attachment: Two Replacement Sheets

REMARKS

Introduction

Claims 13-24 are pending in the present application. In view of the following remarks, it is respectfully submitted that claims 13-24 are allowable. Reconsideration of the present application is requested.

Rejection of Priority Claim

The Examiner argued that the present application is not entitled to priority based on German Application No. 199 44 558.3 filed in the Federal Republic of Germany on September 17, 1999, "since the United States application was filed more than twelve months thereafter."

The present application was filed as PCT/DE00/03020 on September 2, 2000 designating the United States. 35 U.S.C. § 363 provides that:

An international application designating the United States shall have the effect, from its international filing date under article 11 of the treaty, of a national application for patent regularly filed in the Patent and Trademark Office except as otherwise provided in section 102(e) of this title.

In addition, 35 U.S.C. § 365(b) provides that:

In accordance with the conditions and requirements of section 119(a) of this title and the treaty and the Regulations, an international application designating the United States shall be entitled to the right of priority based on a prior foreign application, or a prior international application designating at least one country other than the United States.

Since the present application was filed as an international application designating the United States on September 2, 2000, which is less than twelve months after the filing of the German application, the present application is entitled to claim priority to that application under 35 U.S.C. § 119. Therefore, it is respectfully requested that the Examiner acknowledge the claim to priority.

Objection to the Drawings

Figures 1-3 of the Drawings were objected to as failing "to show the details of the function of elements 1-40 in figures 1-3 as described in the specification." Accordingly, two replacement sheets of drawings are attached amending Figures 1-3 herein. Therefore, it is respectfully requested that the Drawings objection be withdrawn.

Rejection of Claims 13, 14, 16, 17, and 19-22 under 35 U.S.C. § 103(a)

Claims 13, 14, 16, 17, and 19-22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,598,436 to Brajal et al. (“Brajal”) in view of “applicant’s admitted prior art.” Applicants respectfully submit that this rejection should be withdrawn in view of the following remarks.

Independent claims 13 and 19 each recite limitations including providing a correction signal with the phase of a modulated signal, subtracting the correction signal from the modulated signal after providing the correction signal with the phase of the modulated signal, and pre-equalizing the modulated signal after the correction signal is subtracted. Neither the Brajal reference or “applicant’s admitted prior art” teach or suggest providing a correction signal with the phase of a modulated signal. Applicants respectfully disagree with the Examiner’s assertion that the Brajal reference does describe such a feature. The section of Brajal cited as describing the feature, col. 6, l. 15-19, does not teach or suggest providing a correction signal with a phase of a wireless signal. Rather, that section describes merely distorting the phase of a wireless signal and does not describe a correction signal at all. The Brajal reference and “applicant’s admitted prior art” also do not teach or suggest subtracting the correction signal from the modulated signal after providing the correction signal with the phase of the modulated signal. The Examiner admits that the feature is not described in the Brajal reference. However, the Examiner cites the Specification of the present application itself as admitting the feature is described in the prior art. However, nothing in the present application attributes to the background material provided a description of subtracting a correction signal from a wireless signal *after providing the correction signal with the phase of the wireless signal*. In addition, nothing in either the Brajal reference or “applicant’s admitted prior art” teaches or suggests “pre-equalizing the corrected modulated signal.” The Office Action cites the Brajal reference, fig. 9, items 12 and 20, as depicting the feature. However, the drawing cited depicts only a predistortion circuit and the input of an amplifier.

Thus, for at least the above-discussed reasons, the pending independent claims of the present application are allowable over the combination of Brajal and “applicant’s admitted prior art.” All of the remaining pending claims are dependent on the independent claims, thus they are allowable for at least the reasons that the independent claims are allowable. Withdrawal of the rejection is respectfully requested.

Rejection of Claims 15 and 23 under 35 U.S.C. § 103(a)

Claims 15 and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,598,436 to Brajal et al. (“Brajal”), in view of “applicant’s admitted prior art,” and U.S. Patent No. 5,732,333 to Cox et al. (“Cox”). Applicants respectfully submit that this rejection should be withdrawn in view of the following remarks.

As explained above, the combination of the Brajal reference and “applicant’s admitted prior art” does not teach or suggest each of the features of independent claims 13 and 19. Since it is not suggested that the Cox reference cures the deficiencies of the combination, the proposed combination of Brajal, “applicant’s admitted prior art,” and Cox cannot teach or suggest each of the features of claims 13 and 19. Since claims 15 and 23 depend from claims 13 and 19, the proposed combination of references cannot render obvious claims 15 and 23. Therefore, withdrawal of the rejection is respectfully requested.

Rejection of Claim 18 under 35 U.S.C. § 103(a)

Claims 18 was rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,598,436 to Brajal et al. (“Brajal”), in view of “applicant’s admitted prior art,” and U.S. Patent No. 5,524,286 to Chiesa et al. (“Chiesa”). Applicants respectfully submit that this rejection should be withdrawn in view of the following remarks.

As explained above, the combination of the Brajal reference and “applicant’s admitted prior art” does not teach or suggest each of the features of independent claim 13. Since it is not suggested that the Chiesa reference cures the deficiencies of the combination, the proposed combination of Brajal, “applicant’s admitted prior art,” and Chiesa cannot teach or suggest each of the features of claim 13. Since claim 18 depends from claim 13, the proposed combination of references cannot render obvious claim 18. Therefore, withdrawal of the rejection is respectfully requested.

Rejection of Claim 24 under 35 U.S.C. § 103(a)

Claims 24 was rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,598,436 to Brajal et al. (“Brajal”), in view of “applicant’s admitted prior art,” U.S. Patent No. 5,732,333 to Cox et al. (“Cox”), and U.S. Patent No. 5,524,286 to Chiesa et al. (“Chiesa”). Applicants respectfully submit that this rejection should be withdrawn in view of the following remarks.

As explained above, the combination of the Brajal reference and “applicant’s admitted prior art” does not teach or suggest each of the features of independent claim 19. Since it is

not suggested that either the Cox or Chiesa references cure the deficiencies of the combination, the proposed combination of Brajal, “applicant’s admitted prior art,” Cox, and Chiesa cannot teach or suggest each of the features of claim 19. Since claim 24 depends from claim 19, the proposed combination of references cannot render obvious claim 24. Therefore, withdrawal of the rejection is respectfully requested.

Rejection of Claims 14-18 and 20-24 under 35 U.S.C. § 112 ¶1

Claims 14-18 and 20-24 were rejected under 35 U.S.C. § 112 ¶1 for not complying with the enablement requirement. Specifically, the Examiner asserts that “Claims 14 and 20 recite an iterative process for determining the signal. However, although the specification discusses iteratively removing the correction signal from the received scanned signal until the correction signal is zero, there is nothing in the specification is show how the signal is fed back through the correction process.” Office Action at ¶11. However, the present application fully describes the process for determining a correction signal. *See, e.g.,* Specification p.7, l. 13 – p. 8, l.30. The application also fully describes subtraction of the correction signal from the modulated signal. *See, e.g.,* Specification p. 8, l. 32-37. In addition, the application fully describes that the steps of forming and subtracting a correction signal may be repeated and describes the base case for stopping the repetition. *See, e.g.,* Specification p. 9, l. 1-8. Applicants respectfully submit, therefore, that the subject matter of claims 14-18 and 20-24 is described in the present application in full compliance with the requirements of 35 U.S.C. § 112 ¶1 and withdrawal of the rejection is respectfully requested.

Rejection of Claims 13-24 under 35 U.S.C. § 112 ¶2

Claims 13-24 were rejected under 35 U.S.C. § 112 ¶2 as “generally narrative and indefinite, failing to conform with current U.S. practice.” While Applicants do not necessarily agree with the rejection, claims 13, 16, and 19-24 are amended herein addressing the Examiner’s concerns. It is therefore respectfully submitted that claims 13-24 comply with the requirements of 35 U.S.C. § 112 ¶2 and it is requested that the rejection be withdrawn.

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Conclusion

Applicants respectfully submit that all pending claims of the present application are in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

The Office is authorized to charge any fees associated with this Amendment to Kenyon & Kenyon LLP Deposit Account No. 11-0600.

Respectfully submitted,



(Reg. No. 35,952)

Dated: 7 May 2007

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